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## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF MASSACHUSETTS

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In Re: NEW ENGLAND COMPOUNDING :  
4 pharmacy, Inc., Products : MDL No. 2419  
Liability Litigation, :  
5 : Docket No.:  
: 1:13-md-2419  
6 Box Hill Surgery Center, LLC, :  
et al. :

7 -----

8 Washington, D.C.

9 Friday, March 10, 2017

10 Videoconference Deposition of:

11 THOMAS M. LARKIN, M.D.

12 called for oral examination by counsel for  
13 Plaintiffs, pursuant to notice, at Veritext Legal  
14 Solutions, 1250 I Street, N.W., Suite 350,  
15 Washington, D.C., before Felicia A. Newland, CSR, of  
16 Veritext Legal Solutions, a Notary Public in and for  
17 the District of Columbia, beginning at 1:15 p.m.,  
18 when were present on behalf of the respective  
19 parties:

20  
21  
22

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<p>1 A P P E A R A N C E S</p> <p>2 * * * * *</p> <p>3 On behalf of Plaintiffs:</p> <p>4 GLENN E. MINTZER, ESQUIRE (via VTC)</p> <p>5 Law Offices of Peter Angelos, P.C.</p> <p>6 100 North Charles Street, 22nd Floor</p> <p>7 Baltimore, MD 21201</p> <p>8 gmintzer@lawpga.com</p> <p>9 -- and --</p> <p>10 MICHAEL COREN, ESQUIRE (via VTC)</p> <p>11 HARRY M. ROTH, ESQUIRE (via VTC)</p> <p>12 Cohen, Placitella &amp; Roth, P.C.</p> <p>13 2001 Market Street, Suite 2900</p> <p>14 Philadelphia, PA 19103</p> <p>15 mcoren@cprlaw.com</p> <p>16</p> <p>On behalf of Defendants:</p> <p>17</p> <p>18 GREGORY K. KIRBY, ESQUIRE</p> <p>19 Pessin Katz Law, P.A.</p> <p>20 901 Dulaney Valley Road, Suite 500</p> <p>21 Towson, MD 21204</p> <p>22 gkirby@pklaw.com</p>	<p>1 C O N T E N T S (Cont'd)</p> <p>2 LARKIN DEPOSITION EXHIBITS: * PAGE</p> <p>3 1627-47 Email from Greg Kirby to Glenn Mintzer</p> <p>4 dated March 6, 2017, Subject: NECC</p> <p>5 Dr. Larkin Deposition 83</p> <p>6 1627-57 Copy of Prescription order form</p> <p>7 with attachment, Ritu Bhambhani, LLC 224</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 (*Exhibits attached to transcript.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
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<p>1 C O N T E N T S</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Examination by Mr. Mintzer 5</p> <p>4 Examination by Mr. Coren 199</p> <p>5 Examination by Mr. Mintzer 332</p> <p>6 Examination by Mr. Kirby 336</p> <p>7 LARKIN DEPOSITION EXHIBITS: * PAGE</p> <p>8 1627-2 CV, Thomas M. Larkin, M.D. 14</p> <p>9 1627-3 Expert report by Thomas M.</p> <p>10 Larkin, M.D., October 2016 54</p> <p>11 1627-4 Exhibit 2 to Dr. Larkin's report 70</p> <p>12 1627-14 Commonwealth of Massachusetts, Board</p> <p>13 of Registration in Medicine, Prescribing</p> <p>14 Practices, Policy and Guidelines,</p> <p>15 Adopted August 1, 1989, Amended</p> <p>16 November 17, 2010 226</p> <p>17 1627-30 LexisNexis, 2012 ALM GL ch.94C, 19 302</p> <p>18 1627-43 Standards of Professionalism:</p> <p>19 Expert Witness Guidelines 16</p> <p>20 1627-44 Composite exhibit, consisting of</p> <p>21 listing of documents that Dr. Larkin</p> <p>22 reviewed 79</p>	<p>1 WHEREUPON,</p> <p>2 THOMAS M. LARKIN, M.D.</p> <p>3 called as a witness, and having been first duly</p> <p>4 sworn, was examined and testified as follows:</p> <p>5 EXAMINATION BY COUNSEL FOR PLAINTIFFS</p> <p>6 BY MR. MINTZER:</p> <p>7 Q Okay. Good afternoon, Dr. Larkin. My</p> <p>8 name is Glenn Mintzer. I'm an attorney at the Law</p> <p>9 Office of Peter Angelos in Baltimore. We're here</p> <p>10 to take your deposition today. Also, you can see</p> <p>11 on the screen is Mike Coren, we're co-counsel in</p> <p>12 eight cases. I represent eight Plaintiffs and Mike</p> <p>13 represents one Plaintiff.</p> <p>14 We'll probably both be asking you</p> <p>15 questions today, I imagine. I'm going to start</p> <p>16 off, so I'm going to be asking the majority of the</p> <p>17 questions and then Mike may ask some things that I</p> <p>18 may have missed or in particular to his client.</p> <p>19 Okay?</p> <p>20 A Okay.</p> <p>21 Q And you have been deposed before, I see</p> <p>22 from a couple of cases that are listed on your CV.</p>

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<p>1 next number is.</p> <p>2 (Larkin Deposition Exhibit Number 1627-3</p> <p>3 marked for identification.)</p> <p>4 MR. KIRBY: Glen, for purposes of</p> <p>5 clarification, can we just use for the exhibit</p> <p>6 numbers, if you say, "Larkin Exhibit 3," then we'll</p> <p>7 just say 1627-3?</p> <p>8 We're not going like 1, 2, 3, 4, 5, 6,</p> <p>9 whatever you numbered it, we'll just stick with</p> <p>10 that so that it's not confusing, since it does</p> <p>11 say Larkin Exhibit 3 on it.</p> <p>12 Does that make sense?</p> <p>13 MR. MINTZER: I'm trying best not to run</p> <p>14 a foul of the MBL numbers, because if there's</p> <p>15 another deposition after this, I'm going to report</p> <p>16 back to somebody, probably, this was the last</p> <p>17 number that we used, so if they have a deposition</p> <p>18 in a Tennessee case, that they can pick up and it's</p> <p>19 sequential.</p> <p>20 MR. KIRBY: And I don't want to belabor</p> <p>21 the point, but nobody will ever use the 1627 number</p> <p>22 again. So whether it's -2, or -3, or -40, it</p>	<p>1 somebody else?</p> <p>2 A No.</p> <p>3 Q Do you have any understanding as to how</p> <p>4 the words on those pages got there?</p> <p>5 A Okay. I have been working with Greg on</p> <p>6 this, you know, we went over it -- we had several</p> <p>7 discussions. He had presented with me what they</p> <p>8 had typed up and had me -- and I reviewed it so</p> <p>9 that I could see that it agreed with my opinions,</p> <p>10 and I signed off on it.</p> <p>11 Now, there were some typos in it that I</p> <p>12 discovered later, because sometimes when you read</p> <p>13 through it a couple of times, you miss that, so</p> <p>14 there were typos that were -- that I saw later.</p> <p>15 But that's -- this is an amalgam of multiple</p> <p>16 conversations. And I can say that I -- you know,</p> <p>17 that -- you know, what is stated here is my</p> <p>18 opinion.</p> <p>19 Q Do you consider that final report to be a</p> <p>20 product of your work in this case?</p> <p>21 A Yes.</p> <p>22 Q And that report contains facts that you</p>
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<p>1 shouldn't matter.</p> <p>2 MR. MINTZER: Do you think that complies</p> <p>3 with whatever the practice is?</p> <p>4 I'm fine with that. I'm fine with</p> <p>5 using my own numbers.</p> <p>6 MR. KIRBY: Okay. Sounds good.</p> <p>7 BY MR. MINTZER:</p> <p>8 Q Okay. So, Doctor, do you have Exhibit 3</p> <p>9 in front of you?</p> <p>10 A Yes, I do.</p> <p>11 Q Okay. It looks familiar to you?</p> <p>12 A Yes, it does.</p> <p>13 Q Okay. Is this what you know to be your</p> <p>14 final report in this case?</p> <p>15 A Yes, this was.</p> <p>16 Q Was or is?</p> <p>17 A Yeah, it is. It is.</p> <p>18 Q Okay. I'm just making sure.</p> <p>19 Is that a report that you typed yourself?</p> <p>20 A No.</p> <p>21 Q Did you happen to dictate the information</p> <p>22 that's in that report and it was typed up by</p>	<p>1 believe are true in this case?</p> <p>2 A Yes.</p> <p>3 Q And that report contains opinions that</p> <p>4 you arrived at while analyzing this case that are</p> <p>5 your own thoughts and conclusions?</p> <p>6 A Yeah. Before this report was finished,</p> <p>7 I -- like I said, I reviewed about 30 hours of</p> <p>8 material. This is consistent with what I had seen,</p> <p>9 what I feel.</p> <p>10 Q When you reviewed Dr. Cohen's deposition</p> <p>11 or Dr. Manchikanti's deposition, was it while</p> <p>12 reading their depositions that you discovered that</p> <p>13 there were typos in your report?</p> <p>14 A I think -- yeah, I think it was when I</p> <p>15 seen Dr. Manchikanti's. And then I re-read the</p> <p>16 report again and then I said, "Oh, stop and see,"</p> <p>17 so I did.</p> <p>18 Q Does the name Joseph Alessandrini mean</p> <p>19 anything to you as it relates to this case?</p> <p>20 A One moment.</p> <p>21 Q Are you looking through your report,</p> <p>22 Doctor?</p>

<p style="text-align: right;">Page 62</p> <p>1 I -- that I did not put -- you know, type up this</p> <p>2 letter.</p> <p>3 This is an amalgam of multiple different</p> <p>4 people's opinions on the case. If you want to ask</p> <p>5 me specifically as to my opinion on what</p> <p>6 Dr. Bhambhani has done, you know, when she came up</p> <p>7 with her decision process, I think that would be</p> <p>8 more applicable, if you're going to pick through</p> <p>9 this and say, "Well, do you remember reading</p> <p>10 through this, was this exactly your words," I've</p> <p>11 already told you that I did not type this up, but I</p> <p>12 agreed with what was written in it.</p> <p>13 Q Can you tell me what kind of inspection</p> <p>14 Dr. Alessandrini did or Mr. Alessandrini?</p> <p>15 A No, I can't.</p> <p>16 Q Do you know when it was done?</p> <p>17 A May 13th, 2016 is when he was deposed.</p> <p>18 Once again, you're going back to the</p> <p>19 same -- I've already given you that point, that I</p> <p>20 did not type that up. All I can tell you is that I</p> <p>21 may have -- you know, that I most likely looked at</p> <p>22 it just to make sure it was true before signing off</p>	<p style="text-align: right;">Page 64</p> <p>1 A Not in this case. I think it was in</p> <p>2 reference to a different case.</p> <p>3 MR. KIRBY: Glenn, he may be referring to</p> <p>4 the certificate of qualified expert.</p> <p>5 MR. MINTZER: Okay.</p> <p>6 BY MR. MINTZER</p> <p>7 Q Doctor, did you know, aside from the</p> <p>8 section about qualifications, that the expert</p> <p>9 reports of Dr. Manchikanti, Dr. Cohen, and</p> <p>10 Dr. Maine are identical to yours?</p> <p>11 A I'm sorry. Repeat the question.</p> <p>12 Q Did you know that the expert reports of</p> <p>13 Dr. Manchikanti, Dr. Cohen, and Dr. Maine, except</p> <p>14 for the beginning about qualifications, for which</p> <p>15 all of you obviously are different, but the</p> <p>16 remainder of the report is identical?</p> <p>17 A Yes, I was aware of that. And that's</p> <p>18 what I'm saying, that this is an amalgam of</p> <p>19 different opinions and different inputs to come up</p> <p>20 with this -- with this note.</p> <p>21 You can make it align to writing a paper,</p> <p>22 not necessarily everything on that paper is written</p>
<p style="text-align: right;">Page 63</p> <p>1 on it.</p> <p>2 And then, once again, how does it pertain</p> <p>3 specifically to what Dr. Bhambhani did, I'm not</p> <p>4 sure what you're getting at. You can keep asking</p> <p>5 me questions along this same line, but the answer</p> <p>6 is going to be the same.</p> <p>7 Q Have you happened to have seen the expert</p> <p>8 reports from Dr. Manchikanti, Dr. Cohen, and</p> <p>9 Dr. Maine?</p> <p>10 A No. The experts, I read their</p> <p>11 depositions, I did not see the expert -- well, I</p> <p>12 mean, this -- yeah. What am I saying?</p> <p>13 This -- I did not see their expert</p> <p>14 reports, no.</p> <p>15 Q Okay. Do you know the --</p> <p>16 A Wait. Wait. Check that. Check that.</p> <p>17 Because there was -- I think for</p> <p>18 different litigation, there was an expert report by</p> <p>19 Dr. Maine that I did -- that I did see. That was</p> <p>20 included in the materials that I reviewed.</p> <p>21 Q So you have seen Dr. Maine's report in</p> <p>22 this case?</p>	<p style="text-align: right;">Page 65</p> <p>1 by the same person, but it is a group of opinions</p> <p>2 that were put together.</p> <p>3 Q What is it that you gained your</p> <p>4 understanding that your report was identical to</p> <p>5 Dr. Manchikanti, Cohen, and Maine?</p> <p>6 A I'm sorry. Repeat the question.</p> <p>7 Q When did you first understand or find out</p> <p>8 that Dr. Manchikanti, Dr. Cohen, and Dr. Maine's</p> <p>9 reports were identical to yours?</p> <p>10 A I became aware of it after -- after</p> <p>11 reading Dr. Manchikanti's deposition.</p> <p>12 Q Okay. So you didn't know that when you</p> <p>13 signed your report, did you?</p> <p>14 A When I signed the report, I was signing</p> <p>15 something, that I agreed with the -- with what it</p> <p>16 said in the report. Now, if you're going to go</p> <p>17 back and ask me every little line, there may have</p> <p>18 been some things that I overlooked.</p> <p>19 But I read through each line, "The</p> <p>20 standard of care did not require investigation and</p> <p>21 product liability suits against NECC," I agree with</p> <p>22 that. I read what it said about that, and I agree</p>

<p style="text-align: right;">Page 66</p> <p>1 with that.</p> <p>2 And then it goes down, each point, yes, I</p> <p>3 looked at it, I read it, I agree with it. And then</p> <p>4 I looked down to the next one, read it, agree with</p> <p>5 it. This is how I came about it.</p> <p>6 Did I know that Dr. Manchikanti also</p> <p>7 wrote that -- or had the same thing, and Dr. Cohen</p> <p>8 had the same letter, no, I didn't know, but I don't</p> <p>9 see how it applies to my expert -- you know, to --</p> <p>10 I -- how it -- how it changes how I feel about the</p> <p>11 decision-making process, how Dr. Bhambhani made her</p> <p>12 decisions.</p> <p>13 Q Doctor, do you know a physician by the</p> <p>14 name of Autry Parker by any chance?</p> <p>15 A No.</p> <p>16 Q I'm going to represent to you that</p> <p>17 Dr. Parker is an expert in a case against a</p> <p>18 different clinic and a different doctor in the</p> <p>19 state of Tennessee regarding their use of</p> <p>20 preservative-free MPA from NECC.</p> <p>21 My question is: Did you know that that</p> <p>22 doctor's report, to a large extent, is also</p>	<p style="text-align: right;">Page 68</p> <p>1 THE WITNESS: What is the question then?</p> <p>2 BY MR. MINTZER</p> <p>3 Q The question I asked was: Does it</p> <p>4 concern you that you signed a report that is</p> <p>5 virtually identical to a doctor that's testifying</p> <p>6 in a different case in a different state that was</p> <p>7 drafted eight months before yours?</p> <p>8 MR. KIRBY: Objection to form.</p> <p>9 THE WITNESS: If I agree with what is</p> <p>10 written here and I -- and you've got to understand,</p> <p>11 I signed this without knowing that.</p> <p>12 And it doesn't matter, because the</p> <p>13 points are the same. Whether or not that</p> <p>14 happened by not even by coincidence, whether or</p> <p>15 not the same supporting points were pertinent to</p> <p>16 another case or whether they're in</p> <p>17 Dr. Bhambhani's case, I think it's irrelevant.</p> <p>18 What I was signing was, each point, did</p> <p>19 I look at it, did I agree about what was said,</p> <p>20 and I did. And you can ask me in detail on each</p> <p>21 thing, and I will -- you know, I'll tell you,</p> <p>22 I've already told you before, this stuff, I read</p>
<p style="text-align: right;">Page 67</p> <p>1 identical to your report and was signed by that</p> <p>2 doctor eight months before you signed your report?</p> <p>3 Did you know that?</p> <p>4 A Was I aware of that? No.</p> <p>5 Q Does it concern you that you signed a</p> <p>6 report that's virtually identical to a doctor's</p> <p>7 report that was submitted eight months earlier</p> <p>8 regarding a different clinic and a different doctor</p> <p>9 and a different state?</p> <p>10 MR. KIRBY: Objection to form.</p> <p>11 THE WITNESS: Once again, I signed this</p> <p>12 paper because I agreed with the opinions in it. It</p> <p>13 is not surprising that you could go through the</p> <p>14 same points with another plaintiff in a different</p> <p>15 state, because the same things apply.</p> <p>16 BY MR. MINTZER</p> <p>17 Q Could I -- does that mean that that --</p> <p>18 that doesn't concern you?</p> <p>19 MR. KIRBY: Objection to form. I think</p> <p>20 he answered it.</p> <p>21 Go ahead.</p> <p>22 MR. MINTZER: I don't think he did.</p>	<p style="text-align: right;">Page 69</p> <p>1 through it, you know, I looked at it, I thought</p> <p>2 it made the point very well.</p> <p>3 I was actually very impressed. I</p> <p>4 remember reading this and going, "Man, this is</p> <p>5 perfect. This really fits kind of how I'm</p> <p>6 thinking about it as well."</p> <p>7 I don't really -- I made a -- I made a</p> <p>8 few minor changes to it, but I didn't really see</p> <p>9 something that I needed to change drastically</p> <p>10 with it. It seemed like, hey, this is great.</p> <p>11 BY MR. MINTZER</p> <p>12 Q Can you tell me one of the changes you</p> <p>13 made?</p> <p>14 MR. KIRBY: Objection to form.</p> <p>15 THE WITNESS: No, I can't recall.</p> <p>16 Remember, I don't take notes on this, and so I</p> <p>17 don't know. I may have had an old copy that I put</p> <p>18 a couple of things in, but there wasn't a lot of</p> <p>19 changes that I made to it. And it would have been</p> <p>20 minor, most likely having to do with my biography.</p> <p>21 BY MR. MINTZER</p> <p>22 Q You didn't catch the typo, though, did</p>

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<p>1 you?</p> <p>2 MR. KIRBY: Objection.</p> <p>3 THE WITNESS: No, I didn't catch the</p> <p>4 typo.</p> <p>5 BY MR. MINTZER</p> <p>6 Q As part of your report, there is an</p> <p>7 Exhibit 2, and Exhibit 2 lists a bunch of</p> <p>8 materials. And we've been referring generically in</p> <p>9 this case that you reviewed a lot of materials.</p> <p>10 Is that the list of material that you</p> <p>11 reviewed?</p> <p>12 MR. KIRBY: So is this a separate exhibit</p> <p>13 that you gave us?</p> <p>14 MR. MINTZER: It is a separate exhibit.</p> <p>15 I think it's also part of Exhibit 3 --</p> <p>16 MR. KIRBY: Okay. Let me --</p> <p>17 MR. MINTZER: -- but if you have it as</p> <p>18 Exhibit 4, but that it's just solely Exhibit 2, I</p> <p>19 don't think we have to use it.</p> <p>20 MR. KIRBY: Let me just see here.</p> <p>21 It's not a part of Exhibit 3, so I will</p> <p>22 pull Exhibit 4.</p>	<p>1 to me, I would keep reading. But I did not read in</p> <p>2 detail all of these, no.</p> <p>3 And also --</p> <p>4 Q The --</p> <p>5 A Wait. Let me finish.</p> <p>6 Things like the --</p> <p>7 Q Go ahead.</p> <p>8 A -- video, "A disk contained an audio from</p> <p>9 Barry Cadden's Training for Sales Personnel," I</p> <p>10 mean, this is hours and hours, so I listened to it</p> <p>11 a little while, I'm not going to be able to spend</p> <p>12 20, 30 hours to his audios. So I would listen to</p> <p>13 it, know what it was and then move on.</p> <p>14 And then some of these things -- you</p> <p>15 know, this was all of the things in the Dropbox. I</p> <p>16 tried to get through everything in the Dropbox.</p> <p>17 Q Okay. So --</p> <p>18 A So if you're going to quiz me on details</p> <p>19 from each thing, I can't tell you. Certain things</p> <p>20 I looked at a lot more closely. Like the</p> <p>21 congressional memo, I read that thing from start to</p> <p>22 finish. Some of these things, I did very detailed</p>
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<p>1 MR. MINTZER: All right.</p> <p>2 (Larkin Deposition Exhibit Number 1627-4</p> <p>3 marked for identification.)</p> <p>4 BY MR. MINTZER</p> <p>5 Q What you have before you, Doctor, should</p> <p>6 be Exhibit 4, which is was Exhibit 2 to your</p> <p>7 report. Do you recognize that list?</p> <p>8 A Yes, I do.</p> <p>9 Q Are those the documents that you reviewed</p> <p>10 at arriving at your opinions in this case?</p> <p>11 A I will say this, believe it or not, I</p> <p>12 looked at almost all of these, and there are some</p> <p>13 here that I can't even tell you, but I went through</p> <p>14 a lot of these really quickly.</p> <p>15 Okay. YuZon Wu, "What is he talking</p> <p>16 about?" And I'd start reading the deposition, if</p> <p>17 it was applicable, okay, move on to the next one,</p> <p>18 deposition of Alexander.</p> <p>19 That's why I say, I went through these, I</p> <p>20 looked at them closely, and if it looked like it</p> <p>21 was pertinent to the case, I would keep reading.</p> <p>22 You know, if -- or if it had a particular interest</p>	<p>1 reviews, and some, I just kind of skimmed over.</p> <p>2 Q Okay. Are you done?</p> <p>3 A Yeah.</p> <p>4 Q Can we agree that within this list of</p> <p>5 Exhibit 2 --</p> <p>6 A Okay.</p> <p>7 Q -- of the documents that you referred to</p> <p>8 in some form or fashion as you described in</p> <p>9 arriving at your agreement with the opinions that</p> <p>10 are in the report that you signed?</p> <p>11 A I'm sorry. Repeat that question again.</p> <p>12 Q Can we agree that what is listed on</p> <p>13 Exhibit 2, you reviewed in some form or fashion, as</p> <p>14 you previously described, in arriving at your</p> <p>15 opinions that are reflected in the report that you</p> <p>16 signed?</p> <p>17 A Okay. If this -- I will go in again, if</p> <p>18 this was in -- there are so many things on here, if</p> <p>19 this was in the Dropbox, I tried to -- I -- I, at</p> <p>20 least, quickly looked over to what it was in each</p> <p>21 of the items in the Dropbox. If this was not in</p> <p>22 the Dropbox that I saw, then I can't say for sure.</p>

<p style="text-align: right;">Page 310</p> <p>1 law?</p> <p>2 MR. KIRBY: Object to the form.</p> <p>3 THE WITNESS: So that's a loaded</p> <p>4 question. Look, there's some laws, which are</p> <p>5 basically regulations, I may be violating and not</p> <p>6 knowing it. I don't think there's a lot, I</p> <p>7 think -- you know, I think we try to keep abreast.</p> <p>8 But this would be a small one that you wouldn't</p> <p>9 necessarily know, obviously not.</p> <p>10 Like I said, I looked through a lot of</p> <p>11 depositions and nobody brings this up. You would</p> <p>12 have thought that if it was such common knowledge</p> <p>13 and people should have known that they were</p> <p>14 breaking the law, why didn't any of these other</p> <p>15 older depositions, did they bring it up?</p> <p>16 BY MR. COREN:</p> <p>17 Q Seeing that law and seeing the way that</p> <p>18 New England Compounding was having the doctors,</p> <p>19 like at Box Hill and those other 70 pharmacies</p> <p>20 in -- excuse me, some of these other surgery</p> <p>21 centers that had gone with them in Maryland filling</p> <p>22 out this, using old patient names, don't you think</p>	<p style="text-align: right;">Page 312</p> <p>1 A Okay.</p> <p>2 Q -- so I understand when we meet again,</p> <p>3 should we meet again in court, is your opinion --</p> <p>4 is it your opinion that the -- that the law that</p> <p>5 governs prescriptions is not the standard of care</p> <p>6 upon doctors?</p> <p>7 MR. KIRBY: Objection to form and</p> <p>8 foundation.</p> <p>9 THE WITNESS: There are a lot of</p> <p>10 regulations out there that we may or may not be</p> <p>11 aware that -- that as a Maryland physician in</p> <p>12 regards to Massachusetts law, because she's getting</p> <p>13 a prescription filled by a Massachusetts pharmacy,</p> <p>14 and that pharmacy is -- it's their responsibility</p> <p>15 because they're in that state to let her know that,</p> <p>16 and they didn't do that.</p> <p>17 And now you're asking me to say, oh,</p> <p>18 does the law matter? Of course, the law matters.</p> <p>19 But you're -- you're drawing out something that</p> <p>20 somebody typically wouldn't do. And no, it</p> <p>21 wouldn't be the standard of care for her to know</p> <p>22 the laws in Massachusetts. Especially, if the</p>
<p style="text-align: right;">Page 311</p> <p>1 now you say, well, gee, this is basically being</p> <p>2 complicit with NECC in violating Massachusetts law?</p> <p>3 MR. KIRBY: Objection to form, talking</p> <p>4 about the standard of care in 2012.</p> <p>5 THE WITNESS: Yeah. I -- I mean, once</p> <p>6 again, I'm talking about -- I'm referring to</p> <p>7 standard of care, too. I am sure if Dr. Bhambhani</p> <p>8 thought that she was doing anything untoward, she</p> <p>9 wouldn't have done it. She's a caring physician.</p> <p>10 You can see that in her notes. You can see that</p> <p>11 other doctors send their parents to her.</p> <p>12 I mean, she's detailed oriented, she's</p> <p>13 not -- she doesn't seem -- I don't get the idea</p> <p>14 that she's lazy. This is, you know, about these</p> <p>15 kind of things. I think this is just such a</p> <p>16 small thing, that we're going to miss it.</p> <p>17 And I could be missing it, too, and I'd</p> <p>18 like to think that I -- that I try to keep on top</p> <p>19 of things.</p> <p>20 BY MR. COREN:</p> <p>21 Q I just need to put a finer point on</p> <p>22 this --</p>	<p style="text-align: right;">Page 313</p> <p>1 pharmacy that is -- that is domiciled in</p> <p>2 Massachusetts, doesn't tell them that. "Okay.</p> <p>3 This is the law, you need to do this." They</p> <p>4 weren't telling them that, they were giving them</p> <p>5 the opposite information.</p> <p>6 BY MR. COREN:</p> <p>7 Q So taking a whole patient list, putting</p> <p>8 it down on a prescription order form, putting your</p> <p>9 doctor's signature, putting your doctor's DEA</p> <p>10 number, no bells went off that this might be not</p> <p>11 kosher?</p> <p>12 MR. KIRBY: Objection to form and</p> <p>13 foundation. Asked and answered several times.</p> <p>14 THE WITNESS: Yeah, I think I've -- I</p> <p>15 think I have answered this quite a few times.</p> <p>16 BY MR. COREN:</p> <p>17 Q Okay. So just I can simplify things; the</p> <p>18 law is below the standard of care in the hierarchy</p> <p>19 of things that doctors must do. Do I have that</p> <p>20 right?</p> <p>21 MR. KIRBY: Objection to form and</p> <p>22 foundation. Asked and answered.</p>